



1756

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: C.-H.N. Tang Attorney Docket No.: MEGC120477
Application No.: 10/071,858 Group Art Unit: 1756
Filed: February 8, 2002 Examiner: K. Duda
Title: RESOLUTION ENHANCING TECHNOLOGY USING PHASE
ASSIGNMENT BRIDGES

RECEIVED
SEP 17 2003
TC 1700
#7613
9/17/03

ELECTION OF CLAIMS WITH TRAVERSE

Seattle, Washington 98101

September 11, 2003

TO THE COMMISSIONER FOR PATENTS:

The present election of claims is filed in response to the Restriction Requirement mailed August 13, 2003. Applicant hereby elects Claims 1-20 for prosecution with traverse.

In the Office Action, Claims 1-20 (Group I) were indicated as being drawn to a method that is classified in Class 430, Subclass 311. Claims 21-39 (Group II) were indicated as being directed to a medium that is classified in Class 428, Subclass 98+, and Claims 40 and 41 (Group III) were indicated as being drawn to an apparatus that is classified in Class 355, Subclass 18+. The Examiner states that the inventions are distinct because the inventions of Groups II and I are related as a product and process of use. The Examiner states that the inventions can be shown to be distinct if either 1) the process of using the product as claimed can be practiced by a materially different product or 2) the product as claimed can be used in a materially different process of using that product, citing M.P.E.P. § 806.05(h). Applicant respectfully submits that Claims 1-20 and 21-39 are not related as a product and process of use.

Claims 1-20 are related to a method of preparing phase assignments for structures in a photolithographic mask. Claims 21-39 are directed to a computer readable medium having machine readable instructions stored thereon, which cause a computer to perform the method of Claims 1-20. The performance of the method steps recited in Claims 1-20 do not create the

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

computer readable media of Claims 21-39. Applicant submits that there is no practical method of carrying out the claimed method other than supplying a computer system with a computer readable media having instructions to carry out the claimed method. In addition, the product as claimed is only useful in carrying out the method as claimed.

The Office Action further states that inventions II and III are unrelated and that restriction is proper if it can be shown that the inventions are not disclosed as being capable of use together and have different modes of operation, different functions, or different effects. The Examiner indicates that because the inventions are not disclosed as being capable of use together, restriction is proper. Applicant again traverses the rejection.

The inventions of Groups II and III are related as a computer readable medium containing instructions that when read by a machine, perform a method, while Claims 40 and 41 recite circuitry that performs the recited method steps. As such, the circuitry of Claims 40 and 41 is limited to that which performs the recited method steps.

Applicant respectfully submits that Claims 1-40 are in a form commonly accepted in computer cases. Applicant believes that if the underlying method is patentable, then a computer readable medium containing instructions that cause a computer to perform the method and circuitry programmed to execute the method are also patentable and therefore belong in the same application. Furthermore, applicant believes that the Examiner would not be required to perform additional searches after examining the method claims. It is therefore requested that the Examiner withdraw the restriction requirement and examine Claims 1-41 on the merits.

///

///

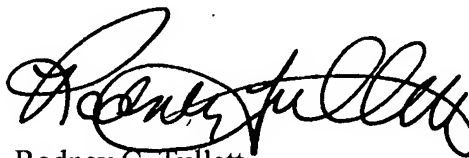
///

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Should the Examiner have any additional questions regarding the application, she is invited to call applicant's attorney at the number listed below.

Respectfully submitted,

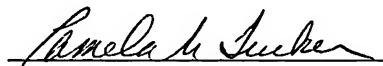
CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Rodney C. Tullett
Registration No. 34,034
Direct Dial No. 206.695.1730

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: September 11, 2003



RCT:af

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100